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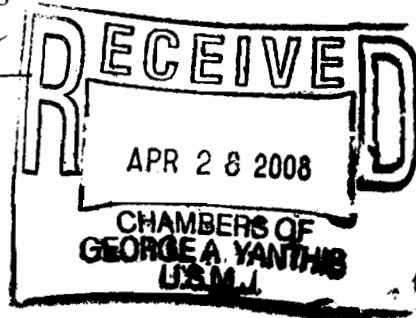
**MEMO ENDORSED**

Stephen F. Roth  
908.518.6362  
sroth@ldlkm.com

April 25, 2008

*Should be addressed to Judge Bricant*  
**VIA FEDERAL EXPRESS** (914.390.4088)

The Honorable George A. Yanthis, U.S.M.J.  
Southern District of New York  
United States Courthouse  
300 Quarropas Street  
White Plains, N.Y. 10601



Re: DTL 6.0-006

*Motorola, Inc. v. Digital Technology Licensing, LLC*

Civil Action No. 07-CV-10436 (CLB)(GAY) (S.D.N.Y.)

Dear Judge Yanthis:

We represent the defendant, Digital Technology Licensing, LLC ("DTL"), in the above-referenced matter. We write, with the consent of the plaintiff, Motorola, Inc., requesting an extension of time for the deadlines for exchanging initial and rebuttal expert disclosures. This is the first request by either party for an extension of the Scheduling Order. The parties are only requesting the deadlines for expert reports to be extended.

On January 23, 2008, Judge Bricant entered a Discovery Plan and Scheduling Order that originally set May 15, 2008 as the deadline for initial expert disclosures, and June 15, 2008 for rebuttal expert disclosures. The proposed extended dates are as follows:

	<b>Original Date</b>	<b>New Date</b>
Initial Expert Disclosures	May 15, 2008	June 4, 2008
Rebuttal Expert Disclosures	June 15, 2008	June 24, 2008
Expert Depositions to be completed by:	June 30, 2008	July 9, 2008

*Application Granted*  
*So Ordered*  
*Charles L. Bricant*  
*USDC*



Honorable George A. Yanthis

April 25, 2008

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A proposed Revised Scheduling Order is attached for Your Honor's signature and entry. As Judge Brieant had asked his form of Scheduling Order be used for the initial order, we have simply annotated Judge Brieant's original Scheduling Order to include the proposed new dates and added "REVISED" to the caption.

We thank Your Honor for the Court's attention to this matter.

Sincerely yours,

LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK, LLP

A handwritten signature in black ink, appearing to read "h7 [illegible]", written over the printed name of Stephen F. Roth.

STEPHEN F. ROTH

SFR/cd

cc: Paul Collier, Esq. *(via e-mail pcollier@kirkland.com)*  
Stanley S. Zinner, Esq. *(via e-mail szinner@zinnerassociates.com)*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Rev. January 2006

-----X  
*Motorola, Inc.,*

Plaintiff(s),

- against -

*Digital Technology Licensing LLC*

Defendant(s).  
-----X

REVISED

CIVIL CASE DISCOVERY PLAN  
AND SCHEDULING ORDER

Civ. 07 (CLB) (GNY) 10436

This Court requires that this case shall be ready for trial on or after *7.1.08*

The following Civil Case Discovery Plan and Scheduling Order is adopted, after consultation with counsel for the parties, pursuant to Rules 26(f) and 16 of the Federal Rules of Civil Procedure.

The case (is) (is not) to be tried to a jury.

Joinder of additional parties must be accomplished by *March 21, 2008*.

Amended pleadings may be filed until *March 21, 2008*.

**Discovery:**

1. Interrogatories are to be served by all counsel no later than *January 18, 2008*, and responses to such interrogatories shall be served within thirty (30) days thereafter. The provisions of Local Civil Rule 33.3 (shall) (shall not) apply to this case.
2. First request for production of documents, if any, to be served no later than *January 18, 2008*
3. Depositions to be completed by *June 30, 2008*
  - a. Unless counsel agree otherwise or the Court so orders, depositions are not to be held until all parties have responded to any first requests for production of documents.
  - b. Depositions shall proceed concurrently.
  - c. Whenever possible, unless counsel agree otherwise or the Court so orders, non-party depositions shall follow party depositions. *Counsel agree otherwise here.*
  - d. If the defense of qualified immunity from suit as a matter of law has been or will be asserted by any defendant(s) with respect to any claim(s) in the case, counsel for any such defendant(s) shall, within thirty (30) days of this order depose plaintiff(s) at least concerning all facts relevant to the issue of qualified immunity. Within thirty (30) days thereafter defendant(s) shall serve consistent with Local Rule 6.1 and file a motion under Rule 12(c) or Rule 56, returnable on a date posted in

the New York Law Journal by Judge Briant for hearing motions. The motion shall, in the absence of agreement of counsel, be limited to the issue of qualified immunity, and plaintiff(s) version of the events shall be assumed true for purposes of the motion. **Failure to comply with this provision of this Order shall operate as a waiver of the opportunity to resolve the issue of qualified immunity by motion prior to trial.**

4. Any further interrogatories, ~~including expert interrogatories~~, to be served no later than May 9, 2008.
5. Requests to Admit, if any to be served no later than May 9, 2008.
6. Additional provisions relating to discovery agreed upon by counsel for the parties (are) (are not) attached and made a part hereof. \*
7. All discovery is to be complete by June 30, 2008.

Dispositive motions, if any, must be served on notice as required by Local Civil Rule 6.1, and must be returnable before the Court on a published motion day, no later than three weeks before the ready for trial date.

Next Case Management Conference July 1, 2008  
(This date will be set by the Court at the first conference)

Joint Pretrial Order is required only if counsel for all parties agree that it is desirable, or the Court so orders.

This case has been designated to the Hon. George J. Yankin, United States Magistrate Judge at White Plains for discovery disputes if the Court is "unavailable" and for trial under 28 U.S.C. § 636(c) if counsel execute their consent in writing.

Strict compliance with the trial readiness date will be required. This Plan and Order may not be changed without leave of the Court or the assigned Magistrate Judge acting under a specific reference order.

Upon signing a Consent for Trial Before a United States Magistrate Judge, the Magistrate Judge will establish an agreed date certain for trial and will amend this Plan and Order to provide for trial readiness consistent with that agreed date.

SO ORDERED.

Dated: White Plains, New York

\* Expert disclosures for the party with the burden of proof: May 15, 2008 June 4, 2008  
Rebuttal disclosures: June 15, 2008 June 24, 2008  
~~Expert depositions to be completed: June 30, 2008~~

Experts can be deposed anytime after June 4, 2008, but no later than July 9, 2008.